

REMARKS

Claims 1-14 are pending. Of these, claims 1, 5, 9 and 13 are independent.

By this reply, typographical errors in claim 5 have been corrected.

SPECIFICATION

On page 2 of the Office Action, the Examiner raises a question as to whether a claim for foreign priority was intended. Applicant appreciates the Examiner's concern with this possibility. However, it is submitted that the Examiner has mistaken a document referred to as a "Statement of Accurate Translation" as the first page of the specification.

It is to be recalled that the present application was originally filed in the Korean language. On June 23, 2004, Applicant submitted an English language translation of the present application, which was accompanied by the "Statement of Accurate Translation" document.

The "Statement of Accurate Translation" does not foreshadow an intent to claim priority upon a foreign-filed application under 35 U.S.C. §119(e). Rather, it merely reflects that the present application was originally filed in the Korean language and then subsequently translated into the English language.

To the extent that this topic represents an objection by the Examiner, its withdrawal is requested.

§ 102 REJECTION - AAPA

On page 4 of the Office Action, claims 1-2 stand rejected under 35 U.S.C. §102(a), as being anticipated by Applicant's Admitted Prior Art (AAPA). This rejection is traversed.

Among other things, claim 1 (for example) recites that objects are allocated to the memory block "in sequence continuity." In view of the Examiner's assertion of anticipation, one would expect that the AAPA would mention the word "sequence" or some form of the word "sequential" or the word "order."

Interestingly, it is believed that the AAPA mentions no words that begin with “sequen” (e.g., sequential, sequence, etc.) or “order” (e.g., order, ordered, etc.). Moreover, the AAPA is described as allocating an object based upon either consolidating smaller nodes to obtain a combined node of sufficient size for the object or splitting a node of excess size to obtain a smaller node of suitable size for the object. Accordingly, how can the Examiner reasonably contend that the AAPA is anticipatory of claim 1?

In view of the foregoing discussion, a distinction over the AAPA of claim 1 is allocating objects to the memory block in sequence continuity. Claim 2 depends from claim 1 and at least similarly distinguishes over the AAPA.

Failing disclose all of the elements of the claims, the AAPA is not anticipatory. Thus, the rejection is improper. Withdrawal of the rejection is requested.

§ 102 REJECTION - '320 PATENT (BURCH)

On page 5 of the Office Action, claims 1-2 stand rejected under 35 U.S.C. §102(b), as being anticipated by U.S. Patent No. 6,308,320 to Burch (“the ‘320 patent”). This rejection is traversed.

Among other things, claim 1 (for example) recites (again) that objects are allocated to the memory block “in sequence continuity.” In view of the Examiner’s assertion of anticipation, one would expect that the ‘320 patent would mention the word “sequence” or some form of the word “sequential” or the word “order.”

Interestingly, it is believed that the ‘320 patent mentions the term “sequence” only once, namely in col. 9, lines 14-16. For the reader’s convenience, lines 14-16 are reprinted as follows:

It will be appreciated that a basic block of code is a sequence of code with a single entry point and single exit point.

Lines 14-16 are irrelevant to allocating objects to the memory block in sequence continuity.

As for some form of the word “sequential,” the ‘320 patent mentions phrases such as “subsequent execution, “ “subsequent invocation,” “subsequent compilation,” “subsequently

generates an executable file 124" and "subsequently performs code repositioning" (see col. 8, lines 58-59). These phrases, however, are irrelevant to allocating objects to the memory block in sequence continuity.

As for the word "order," it is believed that the only instance of "order" being recited in the context of a logical or comprehensible arrangement of separate elements is found from line 66 of col. 15 to line 3 of col. 16, which is reprinted as follows:

In the present embodiment, each intermediate code stream 202 in the cross module group 228 is hashed and the results are processed by the "XOR" instruction to produce a single hash value 206, independent of the order of the files in the cross module group 228 (as are shown in FIG. 2).

The passage from col. 15, line 66, to col. 16, line 3, is irrelevant to allocating objects to the memory block in sequence continuity.

By disclosing almost nothing with respect to the word "sequence" or some form of the word "sequential" or the word "order," how can the Examiner reasonably contend that the '320 PATENT is anticipatory of claim 1?

In view of the foregoing discussion, a distinction over the '320 PATENT of claim 1 is allocating objects to the memory block in sequence continuity. Claim 2 depends from claim 1 and at least similarly distinguishes over the '320 PATENT.

Failing disclose all of the elements of the claims, the '320 PATENT is not anticipatory. Thus, the rejection is improper. Withdrawal of the rejection is requested.

ALLOWABLE SUBJECT MATTER

Applicant is pleased to acknowledge that the Examiner has allowed claims 5-14.

Applicant is pleased to acknowledge the Examiner's indication that claims 3-4 would be allowable if rewritten in independent form.

CONCLUSION

The issues raised in the Office Action are considered to be resolved. Accordingly, Applicant again requests a Notice of Allowance.

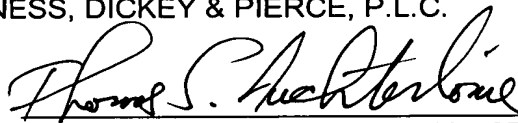
If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge any underpayment or non-payment of any fees required under 37 C.F.R. §§ 1.16 or 1.17, or credit any overpayment of such fees, to Deposit Account No. 08-0750, including, in particular, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY & PIERCE, P.L.C.

By:



Thomas S. Auchterlonie, Reg. No. 37,275
P.O. Box 8910
Reston, VA 20195
(703) 668-8000

TSA/cm:tss